

Message Text

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C O N F I D E N T I A L STATE 188519

E.O. 11652: GDS 1979

TAGS: MARR, US, GR

SUBJECT: PAYMENT OF LANDING FEES BY MAC CHARTER AIRCRAFT
AT HELLENIKON AIRPORT

REF: A. ATHENS 5998, B. ATHENS 6194

1. DEPARTMENT AND DOD HAVE REVIEWED EMBASSY NOTE NO. 95,
DATED MARCH 1, 1973, AND MFA NOTE VERBALE OF AUGUST 3,
1973, AND CONCUR IN EMBASSY POSITION THAT ARTICLE I,
PARAGRAPH 2 OF 1953 MILITARY FACILITIES AGREEMENT AND
ARTICLE III OF APPENDIX 1 TO THAT AGREEMENT PLAINLY
ENTITLE USG TO EXEMPTION FROM LANDING FEES FOR MAC CHARTER
AIRCRAFT AT HELLENIKON AIRPORT. WE ALSO CONCUR IN
EMBASSY'S RECOMMENDATION TO REQUEST RECONVENING OF JOINT
GREEK-AMERICAN COMMITTEE WHICH PRODUCED PROCES VERBAL
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OF AUGUST 28, 1972.

2. WE NOTE THAT MFA NOTE VERBALE QUOTES LAST SENTENCE OF ARTICLE III, APPENDIX 1 OF 1953 AGREEMENT, EXCEPT FOR THE WORDS "LANDING AND DOCKING FEES," WHICH ARE OMITTED. THUS THE MFA NOTE VERBALE MISREPRESENTS THE CLEAR MEANING OF ARTICLE III. WHEN READ IN ITS ENTIRETY, THE LAST SENTENCE OF ARTICLE III PROVIDES AN EXPRESS EXEMPTION FROM LANDING FEES.

3. THE QUOTED PHRASE IN GREEK TEXT APPEARS TO USE "UNLOADING"--EKFORTOSIS--WHERE ENGLISH TEXT USES "LANDING." WE BELIEVE ENGLISH VERSION REFLECTS INTENTION OF THE PARTIES. HOWEVER, IN ORDER TO AVOID GENERAL REOPENING OF ANNEX I UNDER GUISE OF CORRECTING ERRORS, SUGGEST THIS DIFFERENCE NOT BE DEBATED AT LENGTH IF RAISED BY GREEKS. RATHER, IF GREEKS INSIST UPON "UNLOADING" READING, USG REPS SHOULD MOVE TO POINTS OUTLINED PARAS 4 AND 5 BELOW.

4. EVEN APART FROM EXPRESS EXEMPTION FOR LANDING FEES, THE LAST SENTENCE OF ARTICLE III OF APPENDIX I ALSO PROVIDES EXEMPTION FROM "OTHER CHARGES OF A LIKE NATURE." WHATEVER DISAGREEMENTS THERE MAY BE AS TO TEXT OF EXPRESS EXEMPTIONS, THIS GENERAL LANGUAGE CERTAINLY COVERS LANDING FEES.

5. SINCE A LANDING FEE REPRESENTS A CHARGE FOR THE USE OF FIXED FACILITIES WITHOUT REGARD TO SERVICES REQUESTED OR RENDERED, THE EXCEPTION OF "CHARGES FOR SERVICES REQUESTED AND ACTUALLY RENDERED" CONTAINED IN THE LAST SENTENCE OF ARTICLE III AND RELIED UPON IN THE MFA NOTE WOULD NOT CONSTITUTE A BASIS FOR IMPOSITION OF LANDING FEES. RUSH

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